

210.290 Cabinet may act as fiduciary -- Duties -- Powers.

- (1) The Cabinet for Health and Family Services may be appointed and act as executor, administrator, guardian, limited guardian, conservator, or limited conservator as provided in this section. In this capacity the cabinet may transact business in the same manner as any individual and for this purpose may sue and be sued in any of the courts of the state. Bond shall not be required of the cabinet.
- (2) Whenever a resident of the state is adjudged partially disabled or disabled and no other suitable person or entity is available and willing to act as limited guardian, guardian, limited conservator, or conservator, the cabinet, acting through its designated officer, may apply to the District Court of the county in which the adjudication is made for appointment as limited guardian, guardian, limited conservator, or conservator for such partially disabled or disabled person.
- (3) Upon the death of a person for whom the cabinet has been appointed guardian or conservator, or upon the death of a person who has been committed to the cabinet leaving an estate and having no relatives at the time residing within the state, the cabinet may apply for appointment as administrator and upon appointment shall close the administration of the estate.
- (4) The cabinet may invest funds held as fiduciary in bonds or other securities guaranteed by the United States, and may sell or exchange such securities in its discretion.
- (5) The cabinet shall receive such fees for its fiduciary services as provided by law. These fees shall be placed in a trust and agency account, from which may be drawn expenses for filing fees, court costs, and other expenses incurred in the administration of estates. Claims of the cabinet against the estates shall be considered in the same manner as any other claim.
- (6) An officer designated by the secretary may act as legal counsel for any patient in a state mental hospital or institution against whom a suit of any nature has been filed, without being appointed as guardian, limited guardian, conservator, or limited conservator.
- (7) Patients hospitalized pursuant to KRS Chapters 202A and 202B who are not adjudged disabled or partially disabled may authorize the Cabinet for Health and Family Services to handle personal funds received by them at the hospital in the same manner as prescribed in subsections (4) and (5) of this section.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 323, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 268, effective July 15, 1998. -- Amended 1982 Ky. Acts ch. 141, sec. 70, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 290, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 201, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 332, sec. 26. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1) and (9). -- Amended 1970 Ky. Acts ch. 278, sec. 2. -- Created 1960 Ky. Acts ch. 64, sec. 9.

Note: 1980 Ky. Acts ch. 396, sec. 74 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.